



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

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OFFICE OF  
ECOSYSTEMS,  
TRIBAL AND PUBLIC  
AFFAIRS

February 12, 2013

Michael Rassbach, District Ranger  
Walla Walla Ranger District  
1415 W. Rose  
Walla Walla, Washington 99362

Re: U.S. Environmental Protection Agency comments for the Umatilla National Forest, Walla Walla Ranger District; Oregon Tollgate Fuels Reduction Project Draft Environmental Impact Statement (EPA Project Number: 10-055-AFS).

Dear Mr. Rassbach:

This review was conducted in accordance with our responsibilities under the National Environmental Policy Act and Section 309 of the Clean Air Act. Section 309 specifically directs the EPA to review and comment in writing on the environmental impacts associated with all major federal actions. Under our section 309 authority, our review of the DEIS considers the expected environmental impacts, and the adequacy of the EIS in meeting procedural and public disclosure requirements of NEPA.

The DEIS documents the analysis of three alternatives, including a no action alternative. The action alternatives implement activities to reduce the amount and continuity of surface and forest canopy fuels, and thereby improve area evacuation routes, firefighter and public safety, and enhance opportunities to protect nearby infrastructure during wildfire events. Alternative B, the proposed action and preferred alternative, includes fuel reduction activities across approximately 4,330 acres with 25 acres within Riparian Habitat Conservation Areas. Both action alternatives involve the same amount of temporary road (2.6 miles) and road re-alignment (.35 miles), and include no permanent new road construction.

The overall message in our November 18, 2010 scoping comments was that the Project's environmental consequences would be closely aligned with the extent to which wildfire risk reduction activities would enhance or degrade ecosystem functions. We have been especially interested in effects – particularly to water temperature - of fuels treatment in Riparian Habitat Conservation Areas. The DEIS's effects analysis for water temperature is fully responsive to our interest and we agree with the Forest's conclusion that, "The combination of local ground water influence, limited removal of streamside shade, and low volume of flow would protect downstream water temperature from any effects of thinning in the RHCAs of these units." (p. 4-9).

While our review has not identified any potential environmental impacts requiring substantive changes to the proposal, we recommend that the Forest continue to explore incorporating principles of ecological forestry<sup>1</sup> into project harvest prescriptions. Our enclosure lists references which we believe could be relevant for your ongoing efforts in this regard.

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<sup>1</sup> Franklin, Jerry F., Mitchell, Robert J., and Brian J. Palik. 2007. Natural Disturbance and Stand Development Principles for Ecological Forestry. USDA Forest Service Northern Research Station. General Technical Report NRS-19.

To address uncertainty regarding whether a Clean Water Act National Pollution Discharge Elimination System permit may be required for stormwater discharges from logging roads we offer the following:

On December 23, 2012, Congress passed a temporary prohibition against the EPA's ability to require NPDES permits for discharges from logging roads, until September 30, 2012. 125 Stat. 1046, Pub. L. 112-74 (Dec. 23, 2011). The Fiscal Year 2013 Continuing Resolution extended this prohibition until March 27, 2013. Pub. L. No. 112-175 (Sept. 28, 2012).

The EPA issued a final rule in the Federal Register on December 7, 2012, revising its Phase I stormwater regulations at 40 C.F.R. §122.26 to clarify that stormwater discharges from logging roads do not constitute stormwater discharges associated with industrial activity and that NPDES permits are not required for these stormwater discharges (77 FR 72920).

Forthcoming litigation and court decisions, including the Supreme Court's opinion in *Decker v. Northwest Environmental Defense Center* and *Georgia Pacific v. NEDC* (nos. 11-347 and 11-338), expected in June 2013; and possible challenges to the EPA's December 2012 rule; could affect future permit requirements for logging roads.

Based on our review we have assigned the DEIS a rating of LO (Lack of Objections). A copy of the EPA rating system is also enclosed. We appreciate this opportunity to comment at this stage of the analysis process. If you have any questions or concerns please contact me at (206) 553-1601 or by electronic mail at [reichgott.christine@epa.gov](mailto:reichgott.christine@epa.gov), or you may contact Erik Peterson of my staff at (206)-553-6382 or by electronic mail at [peterson.erik@epa.gov](mailto:peterson.erik@epa.gov).

Sincerely,

A handwritten signature in blue ink, reading "Christine B. Reichgott".

Christine B. Reichgott, Manager  
Environmental Review and Sediment Management Unit

Enclosures:

EPA Rating System for Draft Environmental Impact Statements  
References for consideration in harvest prescription design

## References for Consideration in Harvest Prescription Design

- Churchill, D., A. Larson, M. Dahlgreen, J. Franklin, P. Hessburg, J. Lutz. "Restoring forest resilience: From reference spatial patterns to silvicultural prescriptions and monitoring." *Forest Ecology and Management* 291 (2013) 442–457.
- Jain, T., R. Graham, J. Sandquist, M. Butler, K. Brockus, D. Frigard, D. Cobb, H. Sup-Han, J. Halbrook, R. Denner and J. Evans. *Proceedings of the 2007 National Silviculture Workshop Restoration of Northern Rocky Mountain Moist Forests: Integrating Fuel Treatments from the Site to the Landscape*. 2008. [http://www.fs.fed.us/pnw/publications/gtr733/PNW\\_GTR\\_733\\_5.pdf](http://www.fs.fed.us/pnw/publications/gtr733/PNW_GTR_733_5.pdf).
- Larson, A., D. Churchill. "Tree spatial patterns in fire-frequent forests of western North America, including mechanisms of pattern formation and implications for designing fuel reduction and restoration treatments." *Forest Ecology and Management* 267 (2012) 74–92.
- Perry, D., P. Hessburg, C. Skinner, T. Spies, S. Stephens, A. Taylor, J. Franklin, B. McComb, G. Riegel. "The ecology of mixed severity fire regimes in Washington, Oregon, and Northern California." *Forest Ecology and Management* 262 (2011) 703–717.
- United States Forest Service. *The Okanogan-Wenatchee National Forest Restoration Strategy: adaptive ecosystem management to restore landscape resiliency*. 2012 Version. [http://www.fs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb5340103.pdf](http://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb5340103.pdf).

**U.S. Environmental Protection Agency Rating System for  
Draft Environmental Impact Statements  
Definitions and Follow-Up Action\***

**Environmental Impact of the Action**

**LO – Lack of Objections**

The U.S. Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

**EC – Environmental Concerns**

EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

**EO – Environmental Objections**

EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

**EU – Environmentally Unsatisfactory**

EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

**Adequacy of the Impact Statement**

**Category 1 – Adequate**

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

**Category 2 – Insufficient Information**

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

**Category 3 – Inadequate**

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

\* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February,